

# Exhibit 95

**Subject:** Re: Westpoint Harbor

**Date:** Thursday, July 13, 2017 at 4:08:19 PM Pacific Daylight Time

**From:** Underwood, Jared

**To:** Zeppetello, Marc@BCDC

**CC:** Ivette Lored, Anne Morkill

Hi Marc,

Thanks again for giving us some time to discuss internally. I know your main question was about roosting habitat in Cargill Pond 10. None of our staff have monitored whether or not Cargill maintains the habitat in pond 10 for roosting birds or not. This would probably be a better question for Cargill themselves.

As for signage, we were able to find correspondence on this issue with Mr. Sanders and I am following up with those staff who are still here about the accuracy of what is now posted, and what we recommended. I should know in a few more days about the accuracy of the current signage.

Thanks,

Jared

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On Tue, Jun 27, 2017 at 9:49 AM, Zeppetello, Marc@BCDC <[marc.zeppetello@bcdca.gov](mailto:marc.zeppetello@bcdca.gov)> wrote:

Hi Jared,

Thanks for getting back to me. The attached pdf called scanner@bcdca is what I sent to Anne yesterday.

As for timeframe, it would be great if you could give me some sense by next week of the Refuge's position as to whether the shorebird roost habitat should still be required or if the marina owner/operator may be excused from providing such mitigation because the remainder of Pond 10 is not yet developed and continues to provide roosting habitat. It would also be great if we could get input in the same general timeframe about the adequacy or not of the signage posted at Westpoint Harbor to advise the public of access restrictions on Greco Island (per the photo I sent to Anne a week ago, and which I'll also attached here).

At some point in the not too distant future we will likely issue a violation report and complaint for administrative penalties for violations of BCDC's permit. I'm trying to get a better understanding of various unresolved issues before we finalize that document, but there will certainly be time for negotiation and resolution following initiation of the enforcement action.

Thanks for your time and input. Feel free to contact me if you have questions.

Marc

Marc A. Zeppetello  
Chief Counsel  
San Francisco Bay Conservation  
and Development Commission